

## ERVIN COHEN & JESSUP<sup>LLP</sup>

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July 18, 2022

### VIA ECF and E-MAIL

**MEMO ENDORSED**

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 618  
New York, N.Y. 10007  
*E-Mail: Failla\_NYSDChambers@nysd.uscourts.gov*

Re: **Sanmina Corporation v. Dialight plc: USDC (SDNY) Case no. 1:19-cv-11710**  
**Dialight plc v. Sanmina Corporation: USDC (SDNY) Case no. 1:19-cv-11712**

Dear Judge Failla:

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, Sanmina Corporation ("Sanmina") submits this letter in support of its motion for leave to file the following five portions (attachments to emails) of exhibits to the declaration of Jorge Camacho, as well as two exhibits to the declaration of Andrew J. Peterson, filed in support of Sanmina's reply in support of its motion for partial summary judgment, under seal:

- DIA00005894 – Kinaxis output spreadsheet provided by Sanmina to Dialight.
- DIA00027766 – Kinaxis output spreadsheet provided by Sanmina to Dialight.
- DIA00028448 – Kinaxis output spreadsheet provided by Sanmina to Dialight.
- DIA00126933 – Kinaxis output spreadsheet provided by Sanmina to Dialight.
- DIA00238232 – Kinaxis output spreadsheet provided by Sanmina to Dialight.
- Deposition Exhibit 446 – Internal Dialight quality report.
- Deposition Exhibit 561 – Expert Report of Andrew K.G. Hildreth.

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“It is clear that the courts of this country recognize a general right to inspect and copy public records and documents.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). “It is uncontested, however, that the right to inspect and copy judicial records is not absolute.” *Id.* at 598. For example, courts may restrict access to “sources of business information that might harm a litigant’s competitive standing.” *Id.*

Sanmina and Dialight plc (“Dialight”) have designated the exhibits listed above “Confidential” pursuant to the terms of the Protective Order in effect in this action. Under the terms of the Protective Order (Paragraph 10), documents produced in discovery designated “Confidential” may not be filed in the public record without consent from the designating party. Pursuant to the Protective Order, Sanmina and Dialight met and conferred, agreeing that many exhibits previously designated “Confidential” could be filed publicly in support of Sanmina’s motion for partial summary judgment. However, the parties could not agree to the public filing of all the exhibits. While Sanmina takes no position on the propriety of sealing DIA00005894, DIA00027766, DIA00028448, DIA00126933, DIA00238232, Deposition Exhibit 446, and Deposition Exhibit 561, which were produced and designated by Dialight, in compliance with the Protective Order, Sanmina hereby moves to file them under seal.

Sanmina respectfully requests leave to file under seal DIA00005894, DIA00027766, DIA00028448, DIA00126933, DIA00238232, Deposition Exhibit 446, and Deposition Exhibit 561, filed in support of Sanmina’s reply in support of its motion for partial summary judgment.

Additionally, Sanmina further requests leave to file its Objections to Dialight plc’s Responses to Sanmina’s Statement of Material Undisputed Facts in a redacted form to protect under seal any quotations from the exhibits Dialight and Sanmina have requested to file under seal.

Respectfully submitted,

/s/

Michael C. Lieb

ERVIN COHEN & JESSUP LLP

Application GRANTED.

The Clerk of Court is directed to maintain the above-described exhibits and other documents under seal, viewable only to the parties and Court. The Clerk of Court is further directed to terminate the motion at docket entry 101 on docket 19 Civ. 11710 (KPF) and docket entry 84 on docket 19 Civ. 11712 (KPF).

Dated: July 19, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE